

**North Carolina Wireless 911 Board  
MINUTES  
September 28, 2007**

<b><u>Members Present</u></b>	<b><u>Staff Present</u></b>	<b><u>Guest</u></b>
Wayne Bowers (NCLM)	Ron Adams (ITS)	Anthony Allen (NCACC)
Robert Cherry (Tarboro Police Chief)	Richard Bradford (DOJ)	Delbert Edwards (Wayne Co)
Dave Corn (Yadkin Valley Telephone)	Marsha Tapler (ITS)	Chad Essick (Poyner & Spruill, LLP)
Christi Derreberry (Sprint/Nextel)	Richard Taylor (ITS)	Belinda Gurkins (Embarq)
David Dodd (NCAPCO)		Matthew Hinckle (Intrado)
Joe Durham (NCACC)		George Iritz (Northrup Grumman IT)
Anand Gandhi (VZW)		James McLeod (Embarq)
Jerry Jones (AT&T)		Tonya Pearce (NCNENA)
Wesley Reid (NCNENA)		Michael Reitz (NCAPCO)
Slayton Stewart (Carolina West Wireless)		Carey Spence (Intrado)
		Susan Waddell (Gaston Co)
		Gary Wagner (Virgin Mobile)
		Marsha Withrow (Charlotte Fire)
<b><u>Members Absent</u></b>	<b><u>Staff Absent</u></b>	
George Bakolia (NC CIO)		
Bill Craigle (Alltel)		
Steve Stoneman (ITS)		

**Chair's Welcoming Remarks:**

Vice Chair Durham welcomed everyone and called the meeting to order at approximately 10:03. He introduced new Board members Wesley Reid and Jerry Jones and invited each of them to share a little bit about themselves with the Board. Wesley Reid, 911 Director for Guilford Metro in Greensboro and representing NENA on the Board, said that he has been in the communications industry for 20+ years and is looking forward to representing PSAPs large, medium, and small across the State. Jerry Jones said that he works for AT&T Mobility, has been in Cary for 11 years, and has been with BellSouth Mobility, Cingular, or AT&T throughout, adding that he is honored

to serve on the Board. Vice Chair Durham thanked both of them for their willingness to serve.

### **Ethics Awareness/Conflict of Interest Statement:**

Vice Chair Durham read the Conflict Of Interest Statement and asked if anyone wished to note any potential conflicts. None were cited.

### **Approval of minutes**

Vice Chair Durham asked if anyone wished to make changes or additions to the minutes of the July 20, 2007 Wireless Board meeting. Wayne Bowers moved the minutes be approved as submitted, Christi Derreberry seconded, and the motion carried.

### **Request for Refund of Prepaid 911 Fees**

Vice Chair Durham acknowledged guest Gary Wagner from Virgin Mobile and gave him the floor. Mr. Wagner introduced himself as Vice President of Virgin Mobile USA responsible for taxes. He thanked the Board for the opportunity to speak, noting that he has been working with Mr. Taylor for over a year regarding their refund request. He stated that Virgin Mobile believes the wireless 911 fee did not apply to prepaid wireless service providers prior to the 2005 legislative changes; their refund request applies to service fees they paid prior to that change. He said that Virgin Mobile was launched in July 2002 as a joint venture between the Virgin Group and Sprint/Nextel, using Sprint/Nextel's wireless backbone. He added they now have close to 5 million subscribers, which he characterized as being indicative of the growth of the prepaid industry as a whole.

Mr. Wagner noted that as a prepaid wireless provider, Virgin Mobile does not utilize monthly billing statements. Customers purchase minutes either through their handsets, over the Internet, or at stores such as Best Buy or Target. Virgin Mobile does not require credit cards, does not perform credit checks, does not have contracts, and does not maintain customer physical address lists. Minutes may be purchased several times within one month, or conversely, months may pass between purchases.

Mr. Wagner added that during the time period for which they are seeking a refund the North Carolina Statute referred to "monthly billing statements", therefore he reasoned that since Virgin Mobile did not use monthly billing statements, it was exempt from paying the service fee required by the Statute. He said the Statute also required that the provider list the 911 fee as a separate line item on a subscriber's billing statement, and citing the same reasoning as above, concluded that the requirement did not apply to Virgin Mobile. Lastly, he said, the Statute also required that the subscribers have a billing address in North Carolina, but since, as he stated earlier, Virgin Mobile does not maintain an address list, that, too, exempted Virgin Mobile from the service fee requirement.

Mr. Wagner observed that since the statutory changes implemented in October, 2005, Virgin Mobile has complied with the language specifically targeting prepaid providers,

and is not requesting a refund of any remittances since that time. He said that the last thing he wanted to point out was that under FCC rules governing how a company can bill government mandated charges, Virgin Mobile was, in fact, prohibited from collecting the contested charges because there was not a proper statutory mechanism in place for doing so. He postulated that by doing so they could face lawsuits from their customers. He summarized that for all the reasons he cited, Virgin Mobile believes it is entitled to the refund it has requested. He concluded by again thanking the Board for the opportunity to present Virgin Mobile's case to the Board.

Vice Chair Durham asked if anyone had questions for Mr. Wagner, and Christi Derreberry asked Mr. Wagner if she correctly understood that there is no subscriber agreement, that they don't capture anything, there's no paperwork, no expectations of any sort besides paying for the service. Mr. Wagner asserted that was correct; the customer purchases a "bucket of minutes" for a given amount of money, and that is credited to the phone. The available balance is accessible online, where the subscriber can see how much credit remains, but there are no other records. Ms. Derreberry then asked if the "bucket of minutes" is used up, can the subscriber still call 911, and Mr. Wagner said yes.

Wayne Bowers observed that Virgin Mobile remitted during those years, and asked what changed, what turned their attention to the fact that they shouldn't have been remitting, what was the trigger? Mr. Wagner replied that an outside compliance firm was remitting on their behalf, and that when he began checking into statutory requirements upon his arrival at Virgin Mobile in mid-2005, he discovered that the North Carolina statute did not contain the requisite language to mandate prepaid service compliance. He said that Virgin Mobile was paying "everywhere", and that he discovered other States as well as North Carolina where it shouldn't have been paying. The trigger was simply his taking a closer look at all of Virgin Mobile's payments.

Anand Gandhi asked how they determined the amount they were seeking if they had no record of how many subscribers were in North Carolina. Mr. Wagner said that to activate phones subscribers must enter a zip code. They don't have to put in the zip code where they live; just a zip code. Virgin Mobile then assigns an area code that corresponds to the zip code. Mr. Wagner said that they made the assumption, for the purpose of complying with the Statute, that if a customer received a North Carolina area code, then the customer was in North Carolina.

Vice Chair Durham noted that the Board has received similar requests before, and asked Richard Taylor to give a staff report and recommendation. Mr. Taylor said that this is the third company to seek such a refund, and in each instance the Board has chosen to consider each request independent of the others, i.e. not to issue a blanket approval. He said that as noted during discussion of the two requests that previously came before the Board, there are some distinct differences among them. He stated that the Board has elected to issue a refund in each of those prior situations; however each refund was reduced by the 1% administrative fee paid to the Board and the 40% that was distributed to the PSAPs, simply because that money was gone and we couldn't refund what we didn't have. Also, money that was taken out of the fund to balance the State budget was unavailable, so both refunds were predicated upon all those amounts being deducted.

Mr. Taylor said that staff had run some numbers regarding Virgin Mobile's request, and had verified that the checks amounting to the \$840,894.92 Virgin Mobile is asking for were received; that amount is correct. After working on the 1%, 40%, and budget balancing reductions, however, staff was unable to come up with consistent numbers, and Richard said that at this point he is not prepared to give a specific number regarding what would be available to refund Virgin Mobile, provided that is the desire of this Board. His recommendation is that if the Board does wish to refund to Virgin Mobile, and legal counsel is satisfied, that the refund be approved based upon a final audit of the funds less the amounts that need to be deducted. The final total would be an audited figure, not one that could be provided today.

Wayne Bowers asked if we cut checks or gave credit in the prior two settlements, and Richard replied that both were done; one company received a credit, the other received a legal settlement that involved checks as well as credit. Vice Chair Durham said that in this case it would be cash, not credit, and Mr. Taylor agreed. Mr. Taylor also reiterated what Mr. Wagner had said earlier, that Virgin Mobile has been remitting under the 2005 guidelines, and that it has been one year since they initially made this refund request.

Vice Chair Durham asked for a motion supporting the staff recommendation. During discussion, Wayne Bowers asked if the Board would receive some kind of a release from the company after payment, if they would accept that. Richard Bradford said they would if it is the will of the Board. Dave Corn asked if it wouldn't be better to wait for the final numbers before making a motion, and Vice Chair Durham responded that we could, but the staff recommendation was to move ahead. Wesley Reid made a motion that the Board accept the staff recommendation to refund what was available after subtracting the 1% administrative fee, the 40% PSAP distribution, and the amount contributed to balancing the State budget from the amount requested, subject to audit and subject to the release alluded to by Mr. Bowers, and that the Board would be notified of the final amount prior to disbursement. Christie Derreberry seconded. The motion carried with one vote in opposition.

### **Update on Comprehensive Statewide Wireless 911 RFP**

Richard Taylor reported that the award process is subject to the requirements of Senate Bill 991, which has nothing to do with the RFP per se, but everything to do with the awarding of the contract. 991 involves passing through different "gateways" which have to be approved by representatives of different agencies within the State government, not just ITS. He said that because of the way this project has turned, we have had to return to the first "gateway" in the process and start it all over again. Based upon the Board's recommendation at its last meeting, staff submitted a request for a Best and Final Offer (BAFO) from the vendor that the Board had selected. They have responded, the recommendation to Procurement has been made, and all that process has been done. We are now waiting on one signature to release us from the last "gateway". Richard said he spoke with Procurement yesterday afternoon, and they advised they have repeatedly requested that signature, but they are not aware of any reason for it being withheld. They believe the individual simply hasn't had the time to do it. Richard reported that as soon as we get that signature, the contract will be awarded.

As a new Board member, Wesley Reid asked for a brief review of the Comprehensive Statewide Network Wireless 911 RFP to "bring him up to speed". Mr. Taylor provided the history, from the directive in the 2005 legislative changes to 62A to the present. He finished his explanation by summarizing that this project is to gather information about the state of 911 across the State, to tell us where we are. Mr. Reid observed that it sounded like this was some sort of assessment tool, and Richard concurred. He added that staff visits to PSAPs across the State have clearly shown that there is great disparity among PSAPs; some are in great shape, some are struggling. He observed that callers contacting 911 are going to expect the same quality of service and PSAP capabilities wherever they are in the State, and this is an effort to help us better understand those disparities as we move toward the next generation of 911.

Wayne Bowers pointed out this is the *Wireless* 911 Board, and asked if the new legislation will impact this plan. Mr. Taylor replied that the new legislation changes the description from "Wireless" to "State" 911 Plan. He added that when the RFP was constructed, we knew that we couldn't make an assessment of "wireless-only" because what operates wireless also operates wireline. We knew we would have to be looking at the telephone companies' networks and how those handle wireline as well as wireless, so the RFP encompassed all facets of 911.

### **Legislative Update**

Vice Chair Durham observed that when H1755 becomes law, it will significantly change the duties and responsibilities of this Board. He asked Richard Taylor to provide an update of where we are in the transition planning process. Richard said that staff has already met a couple of times to go through the legislation line by line trying to understand what the changes are and what effect those changes will have on the Board as well as the administrative duties of the staff. He said that some issues will need immediate attention; others will be more long term.

Referring to an outline of the changes brought on by the new legislation, he observed that the heading on H1755 really says it all: using the Wireless 911 Board as a model, the legislation consolidates the "State's Enhanced 911 system under a single board with a uniform 911 service charge" with the goal of improving integration, efficiency, and accountability. Richard speculated that if the Board wanted a mission statement after January 1 that would pretty well sum it up.

A significant change would be the increase in Board size from thirteen members to seventeen members. That will necessitate a larger meeting space, and Richard has investigated several and has finally settled on one. It is actually nearby, inside the beltline off of Six Forks Road at the Governor's Crime Commission. It is a large conference room with audio/visual equipment, ample parking, etc, although it is on the second floor.

The Governor will continue to appoint representatives from NCACC and NCLM, as well as two new members, one representing VoIP providers and one representing a second seat for NENA. The Speaker of the House will continue to appoint a Sheriff and an APCO representative, but will appoint only two CMRS Provider representatives instead of the three appointed previously (one of the current CMRS Provider representatives will

not move onto the new Board), and will add two new LEC representatives, one representing a LEC with less than 50,000 lines. The President Pro Tem of the Senate will continue to appoint a Police Chief, two CMRS Provider representatives, a NENA representative and a LEC representative, and will add another LEC representative from a LEC with less than 200,000 lines. The State CIO or designee will remain as Chair. Where Wireless Board member terms were four years with a limit of two terms, the new 911 Board terms will still be four years, but without term limits.

Section 3(c) states that eleven members of the current Wireless 911 Board will become the initial members of the 911 Board. As noted earlier, one CMRS member of the Wireless 911 Board appointed by the Speaker will not continue on the new Board. That Section also states that the CIO must designate eight of the current eleven members transitioning to the new 911 Board to serve six year terms and three of the current members to serve four year terms so that half the members' terms will expire every two years.

One of the Powers and Duties of the 911 Board will be to investigate the revenues and expenditures associated with the operation of a PSAP to ensure compliance. Mr. Taylor said that just from looking at our current work level that will probably require the addition of at least one additional staff member familiar with 911 operations and functions. Vice Chair Durham observed that this does represent a change, since the existing Wireless 911 Board has not had oversight over wireline revenues as the new 911 Board will, and asked Richard to explain how the workload would change such that it would require an additional staff member.

Richard replied that the current annual review is technically a simple process using a simple form that many Finance Officers have indicated they are comfortable with, but one of the biggest issues has been distinguishing between the eligible uses of wireless and wireline funds, i.e. shared resource expenditures. A welcome change will be that division will go away; however, since we've never had the requirement of looking at the wireline side, we don't know how much additional funding is being used for wireline expenses, and whether or not it has been used for purposes outside of the legislation. Richard feels we will have to spend a lot of time working through this process with individual agencies.

Vice Chair Durham asked if it would be prudent to host some workshops to educate the agencies regarding the new legislation, to help them with compliance. Richard replied that we had done similar workshops across the State regarding wireless. We had invited county and city managers, finance directors, PSAP directors, and other interested parties to one of eighteen workshops offered around the State. He said he intends to offer the same type of opportunities based upon this legislation, noting that he has already received many calls from agencies wanting to know what the impact will be.

Richard said he envisions the addition of a new staff member allowing three to be in the field (excluding the Board accountant), so each could concentrate on a third of the State and give more attention to the PSAPs in each area. He said that while he doesn't mind covering the entire State, it is a big State, and by having three field personnel in place it will be a lot easier to provide better customer service working with individual agencies.

He said he does anticipate a lot of questions, and that there will be a lot of issues that we will have to work with.

Richard added that investigating revenues and expenditures will not be the only additional duties expected of staff. He reminded everyone that one of the big problems faced in the past has been the accumulation of large fund balances by some agencies while others remain in need. He thinks we will have to make more detailed assessments of what it costs to operate a 911 center, so that we can report back and make good, educated decisions about what it takes to operate 911 in North Carolina.

Vice Chair Durham observed that will probably require a lot of time, since some agencies are maintaining their large fund balances in anticipation of future major purchases. Richard agreed, but also noted there are some agencies with all the latest and greatest PSAP technology which still have large fund balances. Vice Chair Durham then noted that nothing in the new legislation requires agencies to return their existing fund balances, and Richard agreed. Richard said he has been questioned about that very thing by three different agencies in three different areas in the State that had heard rumors they would have to return their outstanding fund balances on January 1. He has assured them such is not the case, adding that over the last six weeks he has spent "a ton" of time visiting cities and counties for this very reason, to stop rumors and help everybody understand the transition. Chief Cherry asked when Richard intended to start these educational sessions, and Richard replied he would like to start in November or December. He said it is just a matter of scheduling, and of him and staff getting a good understanding of the legislative changes themselves. He reiterated, as mentioned earlier, that staff has had two good meetings addressing this so far, but there are still issues remaining to be resolved; staff may be able to resolve some, but others will have to be resolved by the new Board.

Returning to the outline, Richard reminded everyone that the new monthly service charge will be seventy cents imposed upon all voice communication service connections, e.g. wireline, wireless, and VoIP. He relayed a story about one county which had called him and told him that they had no problem with the new statewide fee; they were going to continue collecting their dollar fifty and if the State wanted to collect seventy cents, that was okay, too. Richard was flabbergasted, but went on to explain the legislation to them, and their reply was, "Oh, y'all can't do that." He explained to them that it was already done.

Richard said that in preparation for that change on January 1, Marsha Tapler has done an excellent job of trying to locate all the VoIP providers that operate in North Carolina, and has mailed 246 notifications to those providers, as well as 207 to LECs and CLECs. The LECs and CLECs were relatively easy to locate, because they are on file with the Utilities Commission, but locating the VoIP providers was more of a challenge. Richard anticipates having new remittance forms for all service providers online by October 1.

Another new authority the Board will have is to request information relating to uncollected service charges, with disclosure of such information subject to federal and state privacy laws. Richard said he hadn't thought this was "too big a deal" until he learned last week that Oregon has reported that it discovered it has been losing a lot of money because of this very situation. Christi Derreberry asked what reasons people

used to justify their non-payment of the fee, and Richard replied it could be anything from someone thinking it is an unfair tax to someone who just doesn't want to pay it "on principle". Christi speculated maybe some would claim that they don't use 911, so they don't think they should have to pay for it. Guest Carey Spence (Intrado) observed that sometimes the problem stems from how an access line is defined. Richard agreed, relaying how, when he was the 911 Director in New Bern, phone customers did not want to pay the fee for dedicated data lines, but he observed that with today's variety of communication devices, it is difficult to discriminate between voice and data access capabilities. Ms. Spence suggested a clear definition might be something the new Board should consider in its rule making, noting how she attends 911 Board meetings nationwide, and has repeatedly seen this very problem. She added that Florida is consolidating into a single Board governing all methods of 911 access, much as we are doing here, and that they are really struggling with the definition of access lines, which is what creates the non-remittance. She suggested we look at Texas' model, as they have been dealing with this for years and years and have developed some pretty good guidelines.

Under the new legislation the Board will continue to receive 1% of the total service charges remitted for administrative costs. Richard noted that with the collection of VoIP revenue it is difficult to determine whether 1% will be adequate or more than adequate, so the Board will need to closely watch that and possibly consider a reduction if the situation warrants.

In the past the Board has reported every two years (in odd years) to the Joint Legislative Commission on Governmental Operations and the Revenue Laws Study Committee regarding the status of 911. The new legislation adds the Joint Legislative Utility Review Committee as another body receiving the report. The report must include results of the annual PSAP investigations as well as the status of the 911 system in North Carolina.

Richard reminded everyone how this Board had been working toward establishment of a grant fund during this legislative cycle, and such a fund has been included in the new legislation. Surplus funds from the CMRS fund or the general 911 fund may be reallocated to the grant fund once per year, provided the Board determines critical need for funding for PSAPs in rural or high cost areas, and the reallocation does not impair cost recovery by CMRS providers or results in the insolvency of the 911 fund. If the amount reallocated exceeds three million dollars, the Board must consider reducing the service charge.

A major change from the prior legislation is the methodology used for distribution of funds to PSAPs. There will be two parts to the distributions. The first part will be a monthly distribution based upon the State Treasurer's Report of June 30, 2007. Richard observed that this report is typically not available prior to April or May of the following year. Since the last remittances from the LECs to local governments will be in January (based upon collections made in December), that report time frame will not allow the new Board to begin distributions in a timely manner. Richard has been working with staff at the State Treasurer's Office to try to expedite that report, hopefully to have it to this Board by February 1. Since the LECs will begin collecting the seventy cent fee in January and won't be remitting to the State until February (again, remitting the previous



month's collections), the new Board will not be able to distribute wireline funds to the PSAPs until March. The result is that PSAPs will not receive a check based on the new distribution model in February (wireless distributions will still be available, however, so PSAPs will still receive their wireless checks in February), and this Board will need access to the State Treasurer's Report to determine the disbursement amounts for March. Richard believes staff at the Treasurer's office now understands how important it is for the Board to have the report in February, and he will be meeting with them again to reinforce that urgency.

The second part of the distribution will be the percentage designation of the overage of funds not required to meet the base amount, or per capita distribution. The Board will determine a percentage of the overage to dedicate to the grant fund and/or a percentage to dedicate to the PSAP per capita distribution once per calendar (not fiscal) year. Richard Bradford noted, to be clear, there is no requirement to designate any percentage to the grant fund. That is within the discretion of the Board. So if no monies are designated by percentage to the grant fund, all of it goes to the per capita distribution.

Guest Belinda Gurkins (Embarq) asked what happens to PSAPs that wish to become enhanced after June 30, 2007. Richard Bradford replied that is one of the questions that the new Board will have to wrestle with. He said it is something we will try to address to the extent possible with rulemaking, observing it is only one of many such ambiguities that the Board will have to contend with.

The use of the 911 fund by PSAPs has been expanded to include training of 911 personnel for the maintenance and operation of the 911 system. Richard Taylor observed that based upon the number of questions regarding this that he has already fielded, he anticipates this is another issue the Board will definitely have to weigh in on.

Another requirement of the legislation is that counties must identify in writing if they have more than one PSAP. Mr. Taylor said that although he believes we are currently aware of most, if not all, of the PSAPs in the State, this will ensure that we are.

The Board is going to have to create application procedures for the grant account for rural and other high cost areas. Wayne Bowers asked if there is a definition for "rural and high cost areas". Richard Bradford replied that this is also on the list of questions that the Board will need to resolve. He observed there is actually a definition (two, really) for "rural" in the FCC rules. "High cost" is a concept, more than a definition. There are three definitions for "rural" within North Carolina's statutes that are not related to this legislation. We can borrow from any of those definitions or generate our own. Staff will come back to the Board with some specific recommendations for interpreting those terms. Mr. Bradford added that most of North Carolina qualifies as rural if you look at it in terms of economic development or some of the other typical measurements.

Richard Taylor observed that section 2(b) has sparked much conversation. That is the section that allows local governing entities to transfer any fund balances collected from wireline 911 fees remaining in the fund as of December 31, 2007 to their general fund to be used for any lawful purpose. Richard stressed that this applies only to wireline funds, not wireless funds. He has been encouraging counties who have asked him about it to

use the money for something related to 911, but they are not required to; a lawful purpose could be anything from building soccer fields to paying Medicare payments.

Section 4 simply addresses the Board name change regarding Telecommunications Relay services.

Section 7 stipulates a suspension of collections of the 911 fee from prepaid wireless providers beginning August 31, 2007 and continuing through calendar year 2008. The Joint Legislative Utility Review Commission will study prepaid collections during this period. What impact the loss of the prepaid revenue is going to have on the 911 fund is not known at this time. At the direction of this Board, Richard Taylor met with the Bill's sponsor, Representative Drew Saunders, to express our concerns about potentially not being able to meet our PSAP base amount distribution obligation. Rep. Saunders assured Richard that if we see that there will be a problem (which Richard believes we will know by January), if we go to him, he will take whatever steps are necessary to correct it. Rep. Saunders said it will be a priority item with him, as he does not want this requirement to have any negative impact on the Board.

Richard concluded his presentation by listing a couple of items that will immediately require close scrutiny. One of them will be the issue of primary and secondary PSAPs and who will be able to receive funding. Another will be closely monitoring the economic impact of the new funding model to ensure the fee is where it needs to be; that we are collecting enough money, but not more than necessary. Richard feels that close attention will have to be paid to monthly economic analyses and projections to ensure this.

Chief Cherry asked if future 911 revenues could be used to repay debts incurred for eligible expenses that were paid with general funds in anticipation of future 911 revenues. Richard Taylor and Vice Chair Durham said that would be another question they would have to add to the list. Wayne Bowers asked if there were any time limitations on use of funds, as he felt that if they were used for eligible expenses, he didn't see why there should be any problem. The consensus was that there are no such time limitations, but that the question should still be examined more closely.

### **2008 Meeting Dates**

Richard Taylor said that he included this proposed meeting date schedule in today's agenda so Board members could consult their calendars to determine potential conflicts. He drew attention to the address for the new meeting site at the top of the schedule. He speculated that the Board will probably need to meet every month for the first six months simply because of the issues involved in the transition. He also asked members to reserve the three tentative dates in July, September, and December so that if their use became necessary there would not be conflicts.

Vice Chair Durham asked if there would potentially be a need for other dates, or if Richard wanted to go ahead and adopt this schedule. Richard said that was up to the Board, but he was going to suggest that it be adopted at the next meeting, in November (rescheduled from December due to scheduling conflicts). Vice Chair Durham asked if there were any objections to that, and hearing none, asked Board members to check

their schedules between now and then so that any problems can be discussed on November 9.

Wayne Bowers observed that some meeting dates in the past had been changed to prevent their preceding a holiday weekend, and pointed out that January 18 would be in that category. Richard said that he had initially wanted the week before, January 11, but that was the only date where the new meeting space had already been booked. He offered to look into rescheduling the 18<sup>th</sup> to the 25<sup>th</sup>, but Vice Chair Durham suggested that be considered on November 9<sup>th</sup> along with any other potential conflicts.

### **US DOT NG911 Partners Program**

Richard Taylor explained that in 2005 National NENA and DOT jointly created the NG911 Partners Program to proactively promote migration to next generation 911. NENA's mission statement for the program is:

"...to foster the technological advancement, availability, and implementation of a universal emergency telephone system. In carrying out its mission, NENA promotes research, planning, training, and education."

Today there are 42 members, including service providers, vendors, 911 authorities/State programs, and allied associations. In 2007 they have sponsored numerous workshops on key areas such as IP networks, demos and trials, certification and accreditation, US DOT project—stakeholder involvement, regulatory/legislative issues, transition planning, requirements and standards, and public education, as well as four general meetings and numerous committee meetings throughout the year.

Richard observed that when we look at what this Board is doing with its RFP, when we look at the future of 911 in North Carolina, this is where we've got to be looking. As this Board's responsibility changes, Richard believes it is paramount that we look to the future as we consider funding, efficiency, and effectiveness, not at what we've done for the past twenty years.

Richard said there is value in membership, in working with other stakeholders to drive the process, develop standards, and avoid pitfalls by being part of the process, part of the solution rather than part of the problem. He believes membership will help us as we look to the future regarding funding 911, operating 911, regulatory and legislative issues, transitioning to NG 911, etc. Membership is \$5,000 per year, which entitles two people to participate in the process. It doesn't have to be staff, it could be Board members, and it doesn't have to be the same two people at every event. Richard believes it is a very good program, and would like the Board to consider membership. He said we do have the funding available, so that would not be a problem. He formally recommended that the Wireless 911 Board, soon to be the 911 Board, become a member of the US DOT NG911 Partners Program.

Vice Chair Durham entertained a motion to accept the staff recommendation. Chief Cherry made the motion, Slayton Stewart seconded, and the motion carried.

### **Request by Pitt County for Ortho Photography 4 Year Waiver**

Wayne Bowers said that he received a phone call at 10:50 AM from the Pitt County Manager requesting that this item be carried over until the November meeting, and made a motion that the Board honor that request. David Dodd seconded the motion, which carried without opposition.

### **Update on FCC Activity/Federal Legislation**

Richard Taylor reported that the FCC met on September 11 regarding the location accuracy NPRM, and voted to accept PSAP level testing of wireless carriers. Richard had met with several stakeholders in DC prior to that vote regarding this Board's advocacy for passing uncertainty and confidence factors, and he believes there will be appeals filed relative to the decision. He reminded everyone that if this level of testing becomes a requirement for the wireless carriers, it will probably be very expensive, and could adversely impact the 911 fund through cost recovery.

### **Approval of Cost Recovery Plan for Atlantic Telephone Membership Corp**

Richard Taylor said that the plan as submitted was not approved by the cost recovery subcommittee, and ATMC is working on revisions for resubmission later.

### **Approval of Amended Cost Recovery Plan for North State Communications**

North State Communications submitted an amended cost recovery plan due to network expansion which was approved by the cost recovery subcommittee. The committee recommendation is for the Board to approve the amended plan. Chief Cherry moved that the plan be approved, Wayne Bowers seconded, and the motion carried.

### **Approval of SunCom Amended Cost Recovery**

SunCom has also expanded its network, and although it will soon be merging with T-Mobile, has submitted an amended cost recovery plan reflecting that expansion which was approved by the cost recovery subcommittee. The committee recommendation is for the Board to approve the amended plan. Slayton Stewart moved that the plan be approved, Wesley Reid seconded, and the motion carried.

### **Update on Annual PSAP Audit**

Marsha Tapler reported that out of 125, 102 are complete, and we are still working on various issues with 23 to ensure that they are in compliance.

### **Field Reports/ Status of Phase I / Phase II Wireless 911 in North Carolina/ Administrative Reports**

Vice Chair Durham reminded everyone present that these agenda items were posted on the web site for Board member review prior to this meeting as discussed at the last meeting. He asked if there were any questions about those reports. None were cited. Richard Taylor did mention that Wesley Reid had asked him about deployment of

Phase I and Phase II prior to this meeting, which prompted Richard to remind everyone that information is on the website. Ron Adams also mentioned that although the agenda books are only accessible to Board members through the secure Board member's logins prior to meetings, at midnight after the meeting they automatically roll over to the public page, and can be accessed by anyone. Vice Chair Durham asked why they couldn't be public before the meeting, and Ron replied that the Board had earlier indicated that it was concerned there might be proprietary or confidential information in the agenda book that should not be accessible to the public before the meetings. Vice Chair Durham said that he thinks anything that is proprietary or confidential is taken out, and that he is all for getting information out to the public before the meeting. He asked if there was any opposition from Board members for making such a change. Hearing agreement rather than opposition, he instructed Ron to make the change.

### **Adjourn**

Vice Chair Durham reminded everyone that the next meeting will be November 9<sup>th</sup>, and asked if anyone had other business to bring before the Board. Wayne Bowers asked if we should hold the December date open. Richard Taylor replied he had a conflict, and that the only date that would work for him would be December 14<sup>th</sup>. Vice Chair Durham suggested we hold that date open just in case it is needed, and a decision about it will be made on November 9<sup>th</sup>. He then entertained a motion to adjourn. Chief Cherry so moved, Wayne Bowers seconded, and the motion carried. The meeting adjourned at approximately 11:50.